

MILFORD PLANNING BOARD PUBLIC HEARING  
April 26, 2016 Board of Selectmen's Meeting Room, 6:30 PM

**Members Present:**

Chris Beer, Chairman  
Janet Langell, Vice-Chair  
Paul Amato  
Tim Finan  
Susan Robinson  
Kevin Federico, BOS representative

**Staff:**

Lincoln Daley, Community Development Director  
Shirley Wilson, Recording Secretary  
Scott Schaeffer, Videographer

**Excused:**

Veeral Bharucha, Alternate member  
Doug Knott, Alternate member

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**MINUTES:**

1. Approval of minutes from 3/1/16 and 3/22/16.

**NEW BUSINESS:**

2. **Badger Hill Properties, LLC - Timber Ridge Dr – Map 51, Lots 26-162, 26-164, 26-166, 26-168, 26-170, 26-172, 26-174, 26-175, 26-176, 26-177, 26-178, 26-179 and 26-182:** Public Hearing for *Phase 6B of the Badger Hill Open Space Subdivision* involving thirteen (13) residential lots and one (1) open space lot; and for a waiver request from Milford Development Regulations, Article VII Section 7.02 *Roadway Standards*, to construct a 1,400 ft dead-end road with temporary turnaround.  
(*New application – Brown Engineering & Surveying LLC*)
3. **San-Ken Properties, - Boynton Hill Road – Map 45, Lots 3-1 through 3-55.** Public Meeting to amend Subdivision Development Agreement and modify the construction phasing of the approved development.
4. **Little Nell Trust and Milred Ninety Six, LLC – East Ridge Apartments – Capron Rd – Map 43, Lots 57 and 58.** Conceptual Review for a major site plan to construct three 36-unit garden style apartments and four 4-unit town homes with associated site improvements.

**OTHER BUSINESS:**

5. **NHPA Annual Spring Conference** - May 6, 2016.
6. **OEP Spring Conference** – June 4, 2016

Chairman Beer called the meeting to order at 6:30PM, introduced the Board and staff and explained the ground rules for the public hearing.

**MINUTES:**

J. Langdell and C. Beer brought forth several changes to the minutes from 3/1/16 and S. Wilson suggested a revision to the 3/26/16 minutes.

J. Langdell made a motion to approve the minutes from 3/01/16, as amended. T. Finan seconded. K. Federico and P. Amato abstained and all else in favor. Motion carried by a vote of 4-0-2.

J. Langdell made a motion to approve the minutes from 3/22/16, as amended. T. Finan seconded. K. Federico and P. Amato abstained and all else in favor. Motion carried by a vote of 4-0-2.

**NEW BUSINESS:**

**Badger Hill Properties, LLC - Timber Ridge Dr – Map 51, Lots 26-162, 26-164, 26-166, 26-168, 26-170, 26-172, 26-174, 26-175, 26-176, 26-177, 26-178, 26-179 and 26-182:** Public Hearing for *Phase 6B of the Badger Hill Open Space Subdivision* involving thirteen (13) residential lots and one (1) open space lot; and for a waiver request from Milford Development Regulations, Article VII Section 7.02 *Roadway Standards*, to construct a 1,400 ft dead-end road with temporary turnaround.

Abutters present:

Lindsey Hausmann, Woodhawk Dr.

Bransy Romanowski, Woodhawk Dr.

Chairman Beer recognized:

Scott Frankiewicz, Brown Engineering and Surveying

Jon Lariviere, Badger Hill Properties, LLC

P. Amato recused himself.

Chairman Beer read the notice into the record and verified that the application was complete. J. Langdell made a motion to accept the application. K. Federico seconded and all in favor. A determination that this application did not pose potential regional impact was made in 1996. S. Wilson read the abutters list into the record.

S. Frankiewicz presented plans dated 3/28/16 and reviewed the prior plans. We are proposing thirteen (13) lots on the other end of Timber Ridge Dr for phase 6B that will keep the same layout as approved in 2014. The road will be 1,480 linear ft going to a temporary half-hammerhead. It makes sense to stop at this point because there is a peak in the road and a drainage break; we are asking for a waiver. The drainage is a closed system that goes into a detention pond per the 2014 AoT permit when the original drainage was redone and re-approved for the remainder of the project. State subdivision approval is pending.

J. Lariviere said that the water system hasn't changed since we came in for phase 6 and will be sufficient for these lots. We have approval for all the lots and are just looking to break it down to a manageable phase that works with the realities of the economy today. We anticipate a one-year build out for phase 6B, similar to phase 6A and then a more manageable final phase to connect both sides. The approved water system was brought up to the current volume standards for all homes in this development. There is adequate water for the system, based on what is there; however, the state granted approval for fifty-one (51) additional lots for phase VI, based on theoretical water usage data. Twelve (12) lots were held back to determine if the actual usage numbers on the new homes would warrant an additional source well would. A determination will be made, well into the buildout of phase 6, well beyond phase 6B.

J. Langdell brought up the staff memo and asked if DPW had anything to submit. L. Daley referenced sheets 3-4 and said per discussion with Rick Riendeau, that DPW had concerns with the grading of the roadway itself, near lot 26/182 and the adjacent open space lot. There is a substantial cut into the embankment and if there will be a

ledge wall in excess of four (4') ft, additional measures, such as netting, may need to be put in place to ensure that debris doesn't fall into the roadway. J. Lariviere said we can come up with the best solution per DPW requirements, in any of the areas that exceed four (4') ft in height. The sheer ledge face will be exposed rock and outside the Town's ROW entirely. It will be brought down to the grades of the roadway and the resulting portion of the embankment within the ROW will be loamed and seeded. There will be some areas that exceed four (4') ft in height and we will address that concern with fencing or other reasonable solution to prevent small stones from falling. We could put some plantings below the face in the event of catching a small rock, but that wouldn't really be an effective barrier. We also don't want to add any maintenance items for the Town in the ROW.

J. Langdell read an email from the Fire Department dated 4/26/16 pertaining to the prevention of rock slides and driveway curb cuts. J. Lariviere said we will pull permits and submit designs to both DPW and the Building Department that ensure the town grading standards and 10% slope are met. L. Daley explained that the Fire Department had concerns with trucks bottoming out due to the grade of the driveways. The concept is for Jon and his team to work with the Fire Department to minimize that issue. J. Lariviere presented a grading plan for the three most challenging lots.

Staff comments:

- On the approved wetland adjustment plan, the numbering is off from the approved phase 6 subdivision design plan; lot #180 is missing. It is recommended that the numbering be corrected on the final plan set.
- The plan shows two hydrants for phase 6B; one at the entrance and one near lot 26-182. An additional hydrant should be added to meet regulations.
- A stormwater management permit submittal is required.
- State subdivision approval be submitted.

J. Langdell suggested that a correction be made to staff recommendation #1 to reflect Timber Ridge Rd instead of Boynton Hill Rd.

Waiver:

J. Lariviere explained that building of all the lots would just lead to scattered development. Phase 6B will consolidate construction into one area and allow for more orderly development. There isn't a need for the full length of road and to open up that many vacant lots. This phase is identical to 6A and was discussed at that time. From a financial standpoint, it just doesn't make a lot sense to develop fifty plus lots when we can do a more reasonable number. We are entitled to a 1,000 ft road but the temporary hammerhead starting at lot 26-160 is the most logical and natural location to accommodate emergency vehicles. The final phase for the road will be approximately 2,500 ft connecting the remaining forty (40) lots.

Chairman Beer opened discussion to the public.

L. Hausmann stated that all the traffic for this development currently goes by her house, so an additional fifty-one (51) new homes will add to that traffic. Is there a proposed phase to add a new road to go to the back end where all these lots are being developed? J. Lariviere explained that the main traffic flow is through Woodhawk Dr and we are not changing the number of homes that were approved; we are only asking to build a section of the road rather than the entire road in a single phase. S. Robinson inquired about the timeframe for the full buildout. J. Lariviere replied that it would probably take four (4) years to finish the final build-out basing it on one home per month, if the market stays the same as it is today.

Chairman Beer closed the public portion of the hearing.

J. Langdell made a motion to grant approval of the waiver as requested with all consideration mentioned by DPW and Staff. S. Robinson seconded and all in favor. Vote 5-0-0; motion carried unanimously.

J. Langdell made a motion to grant conditional approval of the application, subject to the conditions stated by L. Daley, that;

1. State subdivision approval be obtained and the associated approval number be added to the plan,

2. A note be added to the plan stating “On 4/26/16, the Milford Planning Board granted a waiver from Milford Development Regulations Section 7.02 Roadway Standards to allow a 1,480 linear ft temporary dead-end road length”,
3. The applicant work with the Environmental Coordinator to resolve any outstanding issues for final stormwater approval and obtain a Stormwater Management Permit,
4. The applicant work the Department of Public Works and Fire Department to resolve the issues pertaining to roadway construction, grading and driveway access,
5. The applicant shall add one (1) additional fire hydrant to the plan, upon the recommendation of the Fire Department,
6. Planning Board approval will be required for any subsequent partial phasing of development or full completion in a single phase, in accordance with current applicable development regulations.

T. Finan seconded and all in favor. Vote 5-0-0; motion carried unanimously.

**San-Ken Properties, LLC - Boynton Hill Road – Map 45, Lots 3-1 through 3-55.** Public Meeting to amend Subdivision Development Agreement and modify the construction phasing of the approved development.

Chairman Beer recognized:

Chad Branon, Fieldstone Land Consultants, PLLC

Kenny Lehtonen, San-Ken Properties, LLC

L. Daley presented the amended agreement and described the proposed revisions. The Planning Board and staff worked diligently to facilitate this development agreement; however, a small issue was discovered at the pre-construction meeting in March. There was a slight disconnect with the Fire Department for the need and timing for the proper fire protection measures for a portion of the lots being proposed. The 30,000 gallon fire cistern was scheduled to be installed as part of phase II in the original agreement but the Fire Department was concerned with protection for the houses to be built as part of phase I. In working with both the Fire Department and the developer, a potential solution was found to meet the needs of the Town and to allow the developer to move forward in a progressive fashion. In order to accommodate that solution, we are back before the Board to obtain approval to change the language in the development agreement. The revisions involve phase 1A and also splitting phase 1B into 1B-1 and 1B-2.

The proposal is to allow the developer to construct up to four (4) houses anywhere within phase 1A and the cistern will be constructed within one year after the issuance of the fourth building permit. Occupancy permits will be issued upon the completion of the required roadway construction and drainage. The existing 15,000 gal cistern, located on Boynton Hill Rd, will be adequate for the first four (4) houses. The proposed 30,000 gal cistern in phase 1B will now be included in phase 1B-1 and constructed within one year of the issuance of the fourth building permit and prior to the issuance of any additional building permits. Phase 1B-1 will include road construction along a portion of Boynton Hill Rd with a fifty ft turnaround and the installation of the fire cistern along with building permits for lots 45/3-11 through 45/3-15, 27, 28, 41 and 42. Occupancy permits will not be issued until all the improvements have been done. Phase 1B-2 will require the construction of Boynton Hill Rd to stage three status with all drainage improvements and the construction of the road to Mile Slip Rd for secondary access. Six (6) building permits can be issued and similar to the other phases, no occupancy permits will be issued until the improvements are completed.

J. Langdell clarified that four (4) of the original eight (8) lots in phase 1A can use the current 15,000 cistern on Boynton Hill Rd. C. Branon explained that the fire department didn't want to issue any permits for phase 1A and all parties worked together to negotiate this solution. J. Langdell explained that a compliance hearing was one of the conditions for the original approval and when the applicant came back in September for the compliance hearing, phases 1A and B were added. At that point, there was a disconnect because the Fire Department didn't have opportunity to see the revised plan. This is a reasonable solution and the biggest piece of the development agreement discussions, was the through-road and the ability to finish off that second access onto Mile Slip Rd.

That whole concept is preserved and the completion of a passable road is kept within the same timeframe. L. Daley verified that was correct.

L. Daley then reviewed the revised construction timetable for the improvements and said this doesn't preclude the developer from completing the improvements faster, but requires the developer to work within a four (4) year timeframe. These revisions are simply pushing total timeline out two years. C. Branon said we are hoping the Board will approve this request because it is preventing us from submitting to the Attorney General for approval. We were hoping to be much further along at this point. L. Daley added that the bonding for improvements has been modified slightly; the amount will be the same but spread out differently per the phasing.

Original	Proposed
Phase 1A; 9/15/2016	Phase 1A; 9/15/2017
Phase 1B; 9/15/2016	Phase 1B-1; 9/15/2017
-	Phase 1B-2; 9/15/2018
Phase 2; 9/15/2017	Phase 2; 9/15/2019
Phase 3; 9/15/2018	Phase 3; 9/15/2020

Chairman Beer opened the discussion to the public; there being none, the public portion of the meeting was closed.

K. Federico made a motion to approve the amendment to the Subdivision Development Agreement as presented with the timeframes as discussed. T. Finan seconded and all in favor. Vote 5-0-0; motion carried unanimously.

**Little Nell Trust and Milred Ninety Six, LLC – East Ridge Apartments – Capron Rd – Map 43, Lots 57 and 58.** Conceptual Review for a major site plan to construct three 36-unit garden style apartments and four 4-unit town homes with associated site improvements.

Chairman Beer recognized:  
Patrick Colburn, Keach-Nordstrom Associates, Inc.

P. Amato rejoined the Board.

P. Colburn presented a conceptual site plan dated 4/1/16 and gave an overview of prior submittals. The current project, *The Ridge at Eastern Trails*, is for 124 rental units in a traditional market rate/luxury build out that will take access from Capron Rd. There will be three 36-unit garden style buildings and a townhouse village consisting of four 4-unit buildings. A second, gated access for emergency purposes only, is proposed at the back side of Eastern Trails. We have met with the Conservation Commission and are going back on 5/12/16. We are seeking two special exceptions, one for building height and one for wetland and buffer impact and are scheduled to go before the ZBA on 5/19/16. We met with staff and have submitted formal application for the May Planning Board Meeting; however, a site walk has been scheduled for Tuesday 5/3/2016 at 6:00PM with the Conservation Commission and we wanted to invite the Planning Board. We have submitted full architectural, plans and traffic analysis for the Board's consideration on the 5/24/16 Planning Board meeting. L. Daley offered to distribute a copy to the Board prior to the site walk.

P. Amato noted that the road on the conceptual plan still goes through the parking lots and expressed concerned that there will be people backing out into the roadway. P. Colburn confirmed that the drive will be a named private road. J. Langdell said she is still looking for gathering space and areas to give it a neighborhood feel. S. Robinson stated that there are certain amenities expected with luxury apartments. P. Colburn said some of the amenities include the interconnect with Eastern Trails that has a dog park, and a playground facility, covered parking spaces and some self-storage. L. Daley added that there might be opportunity for passive recreational trails.

P. Colburn referenced the past approval which required construction of a sidewalk on Capron Rd with the master build-out and a sidewalk along the entire length of Capron Rd has been incorporated with this new plan to serve

residents of both the Ridge and Eastern Trails residents to get that foot traffic all the way down to the 101A corridor. There will be internal sidewalks throughout the entire facility on at least one side of the street. The current configuration will be with bituminous curbing and a bituminous walkway with ADA accommodations. We will work with DPW on easement and permit acquisition to replace the existing culvert under Capron Rd and we will also make a contribution to the Nashua St Improvements Fund.

Chairman Beer thanked the applicant for the presentation.

**OTHER BUSINESS**

**Site walk** – May 3, 2016 at 6:00PM. Regular worksession has been cancelled.

**NHPA Annual Spring Conference** - May 6, 2016 in Concord, NH.

The Town will cover registration costs.

**OEP Spring Conference** – June 4, 2016 in Concord, NH.

The Town will cover registration costs.

L. Daley stated that the Town has issued two RFP's

Osgood Pond Dredging Project; staff is reviewing the submittals.

Reclamation of the Brox Pit; there was a mandatory site visit and we anticipate several submittals.

J. Langdell asked for an update on the initiative to save the swinging bridge. It is an important and prominent structure in the downtown area that needs a lot of repairs. K. Federico said we are still working on a funding donation campaign. L. Daley added that we are currently exploring our options. Questions or comments should be brought to Tina Philbrick.

P. Amato made a motion to adjourn the meeting. K. Federico seconded and all in favor. The meeting was adjourned at 8:00PM.

**MINUTES OF THE APR 26, 2016 PLANNING BOARD PUBLIC HEARING APPROVED MAY 24, 2016.**